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A Syndicalist Strategy for the Swedish Labour Market

By Jenny Stendahl, Erik Bonk and Rasmus Hästbacka

In 2019, a new anti-strike law was introduced in Sweden. The law is negative for all employees but has its tip of the spear aimed at the Dockers Union (Hamnarbetarförbundet, Hamn) and the syndicalist union SAC, Central organization of Workers in Sweden.

Has the law killed SAC? "No. We have produced a comprehensive inquiry in which a new strategy is presented. According to our assessment syndicalists can still fight lawfully for both collective agreements and alternatives to such agreements." These are the words of SAC representatives Jenny Stendahl, Erik Bonk and Rasmus Hästbacka.

It is often claimed that Sweden has the world's strongest trade union movement. Perhaps the trade union *bureaucracies* are strong, but the *movement and struggle* have long been in decline. In Sweden, there are only two nationwide unions that take member democracy seriously: the syndicalist SAC and the Dockers union (Hamn). For SAC and Hamn, it is self-evident that the member base should have the right to make decisions about union demands, industrial action and agreements with the employer side.

We see within the dominant unions of LO, TCO and Saco that there are scattered islands of grassroots that try to develop union democracy and offer employers resistance. These honorable islands are constantly being fought by the trade union bureaucracy. Too often, the bureaucracy wins. There is no such bureaucracy within SAC or Hamn.

The Swedish trade unions can boast of high membership numbers, but generally lack the primary source of union strength: that many colleagues unite and act together. Without strong unions, employers can run amok. Not entirely surprising, the Swedish labour market is starting to go crazy.

It is estimated that over 770 Swedes die from work-related stress each year. More and more employees work under miserable conditions, not only on the fringes of the labour market and for companies that don't have collective agreements. SAC's safety representatives and migrant members testify to miserable conditions under respected companies with collective agreements. Many employers sign agreements only for the sake of building a facade, agreements which they then violate. Swedish syndicalists put a lot of effort into defending collective agreements that have actually been reached by other unions.

The independent labour struggle that SAC and Hamn practice cannot be controlled by the employer side. Nor can it be conrolled by the Swedish Parliament or union leaders within LO, TCO and Saco. Consequently, these ruling elites united in 2019 and introduced a new anti-strike law. The so-called industrial peace obligation in the Swedish Co-determination Act (Medbestämmandelagen, MBL) was drastically expanded. Peace obligation means a ban on strikes, blockades and other forms of industrial action. The expanded peace obligation is negative for all employees but has its tip of the spear aimed at SAC and Hamn.

At first glance, it might look like the 2019 anti-strike law would reduce SAC and Hamn to meaningless organizations. Previously, SAC and Hamn were free to stage industrial actions against employers who had entered into collective agreements with other unions. We could refuse to accept lousy agreements and retain the right to industrial action in full. That is no longer the case.

We are affected by the expanded peace obligation as soon as other unions reach collective agreements, even when the agreements are so bad that it's impossible for us to accept them. We are prohibited from launching industrial action against employers bound by collective agreements – unless the purpose of the action is to reach an additional collective agreement. This is the main rule (in the new section 41 d of MBL).

In the Swedish ports, the employer side traditionally has nationwide collective agreements with the LO union Transportarbetarförbundet, not with the Dockers union. Did the 2019 anti-strike law kill Hamn? No. In the same year, this union entered into its own national agreement with the employer side for the first time. Hamn was strengthened by this conflict and continues to strive and organize. It was the employer side that in all previous years had refused to sign national agreements, not Hamn.

Has SAC given up? No. We have produced a comprehensive inquiry in which a new strategy is presented. According to our assessment syndicalists can still fight lawfully for both collective agreements and alternatives to such agreements. We will train the membership in this strategy in order to build collective strength in the workplaces and push forward. The important thing is to create a better workplace for all employees, regardless of profession or union affiliation.

The key actors in our new strategy are all syndicalists who organize their workplaces. Syndicalists build so-called workplace sections, local unions for all employees except the bosses. Syndicalists also build cross-union forums and groups to unite the work force.

Without revealing too much to the employers reading this article, we will explain what the new strategy is all about.

What happens if a syndicalist section concludes collective agreements that contain better wages and terms of employment than the collective agreements that other unions have already concluded? In Swedish case-law, the key term used here is *competing collective agreements*, where the section becomes a party to the so-called *second agreement*. According to the Swedish Labour Court, the employer is only obliged to apply the wage and employment conditions in the first signed collective agreement, the so-called *first agreement*. Thus, the employer can ignore the section's second agreement. That's the main rule.

So, how can ordinary workers navigate this tricky legal arena? There are roughly three lines of action.

(1) The *first* line of action is that the section fights for a collective agreement which does not regulate the terms of employment, but which contain union rights for the section and its elected representatives. Some examples of such rights are the right to appoint safety representatives, do union work during paid working hours and a strengthened right to information and collective bargaining. The employer is obliged to respect such rights even in a second agreement.

(2) The *second* line of action is that the section nevertheless enters into collective agreements that contain better wages and employment conditions than a first agreement. When the first agreement expires, the employer will probably be obliged to apply the section's agreement instead, which the entire work force benefits from. Then other unions have to accept that the syndicalists suddenly own the first agreement. Syndicalists can abandon this position if the other unions succeed in concluding collective agreements that give staff even better conditions. Syndicalists are also open to cross-union cooperation and multi-party agreements.

If a section stages industrial action for a better collective agreement than the already existing agreement, then the employer will resist strongly. The employer will probably claim that the purpose of the action is to discplace the first agreement, which will make the action unlawful. To prevent such objections, the section may write in its proposed agreement that the section's agreement shall not be applied until the first agreement has expired. Then the Labor Court would probably regard the industrial action as lawful.

Collective agreements are nothing new for SAC. During the 20th century, Swedish syndicalists entered into hundreds of collective agreements, primarily local agreements but also nationwide agreements in forestry. Syndicalists are therefore happy to enter into collective agreements, provided that the employees concerned decide whether to accept or reject the proposed agreements.

(3) If the employer side refuses to enter into a collective agreement with us, we are open to alternative forms of agreement. That is the *third* line of action. In SAC's strategic inquiry, we discuss several alternatives to collective agreements, including oral agreements and written individual agreements. Oral agreements can be used to strengthen trade union rights. An audio recording of oral agreements prevents disputes about the content of the agreement. Written individual agreements can be used to improve wages and terms of employment for all employees in a workplace, provided that all agreements are identical and signed by all.

Collective agreements are accompanied by the most comprehensive peace obligation (according to the old section 41 of MBL). During the period of an applicable agreement, almost all industrial actions are prohibited. A major advantage, of the just mentioned alternative to collective agreements, is that these agreements do not activate a peace obligation. Employers who disapprove of this, may politly accept to enter into collective agreements with syndicalist sections.

Members of SAC can read all about the new strategy by logging in to SAC's website. There we post video lectures, articles and new experiences. We believe that the strategy can also be used against employers who use so-called collective agreement shopping and yellow unions. These problems risk growing due to the expanded peace obligation in MBL.

The new strategy is sharp but not a quick fix. It all depends on the patient organizing efforts of union members.